

REMARKS/ARGUMENTS

STATUS OF CLAIMS

In response to the Office Action dated October 2, 2007, claims 1-3 have been amended. Claims 1-3 and 7-9 are now pending in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

I. Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Serizawa et al. (USPN 6,593,970) in view of Jones (USPN 6,924,841).

Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Skow (US 2003/0184659) in view of Jones.

To expedite prosecution, independent claim 1 has been amended to recite, *inter alia*:

the high-sensitivity pixels have a first high-sensitivity exposure value range in which they function before becoming saturated and a second high-sensitivity exposure value range in which they function before becoming saturated and no exposure value in the first high-sensitivity exposure value range overlaps with an exposure value in the second high-sensitivity exposure value range,

the low-sensitivity pixels have a first low-sensitivity exposure value range in which they function before becoming saturated and a second low-sensitivity exposure value range in which they function before becoming saturated and no exposure value in the first low-sensitivity exposure value range overlaps with an exposure value in the second low-sensitivity exposure value range,

the exposure value at which the low-sensitivity pixels begin to function in the first low-sensitivity exposure value range coincides with the exposure value at

which the high-sensitivity pixels become saturated in the first high-sensitivity exposure value range, and the exposure value at which the low-sensitivity pixels begin to function in the second low-sensitivity exposure value range coincides with the exposure value at which the high-sensitivity pixels become saturated in the second high-sensitivity exposure value range;

control means for (i) calculating an exposure value based on values of signal detected by said high-sensitivity pixels *operating in the first high-sensitivity exposure value range* and values of signal detected by said low-sensitivity pixels *operating in the first low-sensitivity exposure value range*, which are output from said solid-state image pickup device in a first single instance of photometry, and (ii) *when a correct exposure value cannot be obtained in the first single instance of photometry due to saturation of both the high-sensitivity pixels and the low-sensitivity pixels, calculating an exposure value based on values of signal detected by said high-sensitivity pixels operating in the second high-sensitivity exposure value range and values of signal detected by said low-sensitivity pixels operating in the second low-sensitivity exposure value range, which are output from said solid-state image pickup device in a second subsequent single instance of photometry*, where during each of the first and second instance of photometry, aperture and electronic shutter speed are not changed

Independent claims 2 and 3 have been similarly amended.

The subject matter added to independent claims 1-3 is based upon the description at, for example, page 10, line 18 to page 13, line 8 of the present application and Figs. 4 and 5 of the drawings.

Neither Serizawa, Skow nor Jones discloses or suggests high-sensitivity pixels having a first high-sensitivity exposure value range in which they function before becoming saturated and a second high-sensitivity exposure value range in which they function before becoming saturated and no exposure value in the first high-sensitivity exposure value range overlaps with an exposure value in the second high-sensitivity exposure value range, and low-sensitivity pixels have a first low-sensitivity exposure value range in which they function before becoming saturated and a second low-

sensitivity exposure value range in which they function before becoming saturated and no exposure value in the first low-sensitivity exposure value range overlaps with an exposure value in the second low-sensitivity exposure value range. The references further fail to disclose or suggest calculating an exposure value based on values of signal detected by the high-sensitivity pixels operating in the first high-sensitivity exposure value range and values of signal detected by the low-sensitivity pixels operating in the first low-sensitivity exposure value range, which are output from the solid-state image pickup device in a first single instance of photometry, and (ii) when a correct exposure value cannot be obtained in the first single instance of photometry due to saturation of both the high-sensitivity pixels and the low-sensitivity pixels, calculating an exposure value based on values of signal detected by the high-sensitivity pixels operating in the second high-sensitivity exposure value range and values of signal detected by the low-sensitivity pixels operating in the second low-sensitivity exposure value range, which are output from the solid-state image pickup device in a second subsequent single instance of photometry, where during each of the first and second instance of photometry, aperture and electronic shutter speed are not changed.

Therefore amended independent claims 1-3 are patentable over Serizawa, Skow and Jones.

II. Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Serizawa et al. in view of Jones and further in view of Park (USPN 5,714,753).

However, claim 7 depends from amended independent claim 1 and Park does not remedy the deficiencies of Serizawa et al. and Jones with respect to amended independent

claim 1. Therefore, claim 7 is patentable over Serizawa et al. and Jones, even when considered in view of Park.

III. Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Skow in view of Jones and further in view of Park.

However, claim 8 depends from amended independent claim 2, claim 9 depends from amended independent claim 3 and Park does not remedy the deficiencies of Skow and Jones with respect to amended independent claims 2 and 3. Therefore, claims 8 and 9 are patentable over Skow and Jones, even when considered in view of Park.

IV. In view of the above, the allowance of claims 1-3 and 7-9, as amended, is respectfully solicited.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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